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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/526,656	03/03/2005	Luigi Resconi	FE 6048 (US)	5823	
34872 75	08/31/2006	•	EXAMINER		
BASELL USA INC. INTELLECTUAL PROPERTY			LEE, RIP A		
912 APPLETO		ART UNIT	PAPER NUMBER		
ELKTON, MD	21921	,	1713		
			DATE MAILED: 08/31/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						<i>v</i>		
## Communication Examiner Rip A. Les 1713 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address ## Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ## Examiner Examiner Examiner ## HO part of reply is pecified above, the maximum statustry period will go year and will expire (5) (MONTH'S from the mailing date of this communication is 1/10 Open of reply is pecified above, the maximum statustry period will go year and will expire (5) (MONTH'S from the mailing date of this communication is 1/10 Open of reply in the property will, by attable, cause the application to become ARANDONED (35 U.S. €, 133). ## Period for reply is pecified above, the maximum statustry period will apply and will expire (5) (MONTH'S from the mailing date of this communication, even if timely field, may reduce any extended patient and distance of this communication, even if timely field, may reduce any extended patient and distance and patient term adjustment. Set 37 CFR 1.704(b). ## Responsive to communication(s) filled on 16 June 2006. ## Period Responsive to communication(s) filled on 16 June 2006. ## Period Responsive to communication(s) filled on 16 June 2006. ## Period Responsive to communication for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ## Disposition of Claims ## Period Responsive to communication for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ## Disposition of Claims ## Period Responsive to Communication for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice and the properiod of the properiod for the properiod for the properiod for the properiod	-		Applicat	ion No.	Applicant(s)			
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be anabilised under the provisions of 37 CPR 1.73E(s). In no event, however, may a reply be timely filed after SIX (5) MONTHS from the making date of this communication. Failuse to my with the set or cardend deviation created between created deviation to become ARANDANDE (78 U.S. 6. 333). Any reply received by the Office later than three months after the making date of this communication, even if timely filed, may reduce any reply received by the Office later than three months after the making date of this communication, even if timely filed, may reduce any reply received by the Office later than three months after the making date of this communication, even if timely filed, may reduce any reply received by the Office later than three months after the making date of this communication, even if timely filed, may reduce any reply received by the Office later than the Communication of the Communication of the Communication of Communication of Communication of Communication of Communication for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1-13 is/are pending in the application. 4) ☑ Claim(s) 1-13 is/are pending in the application. 4) ☑ Claim(s) 1-12 is/are rejected. 7) ☑ Claim(s) 1-12 is/are rejected to Claim (s) 1-12 is/are allowed. 6) ☑ Claim(s) 1-12 is/are rejected to Claim (s) 1-12 is/are allowed. 7) ☑ Claim(s) 1-12 is/are rejected to Provision of Claim (s) 1-12 is/are allowed. 8) ☐ Claim(s) 1-12 is/are rejected to Provision (s) 1-12 is/are rejected to Provision (s) 1-12 is/are rejected. 10 ☐ The drawing(s) filed on			tion appears on th	ne cover sheet wi	th the correspondence address	5		
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Art Unit: 1713

DETAILED ACTION

This office action follows a response filed on June 16, 2006. Claims 1-13 are pending.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ewen et al. (U.S. 6,444,833).

Ewen et al. discloses the compounds Me₂Si(2,5-Me2-3-Ph-cyclopentadienyl thiophene)₂ZrCl₂ and Me₂Si(2,5-Me2-3-(2'-MePh)cyclopentadienyl thiophene)₂ZrCl₂ and (examples 1 and 2, crystal structures in Fig. 1 and 2). Catalysts contain metallocene and aluminoxane or an ionic activator (col. 19, lines 7-9). Inventive catalysts are used in a process of copolymerizing ethylene and higher alpha olefin; in particular, the catalyst can be used to make LLDPE (col. 21, lines 43-45). Use of organoaluminum compounds and inert support as further catalyst components for gas phase processes is discussed in columns 20 and 21.

3. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Ewen et al. does not teach or fairly suggest a process using a catalyst comprising a metallocene having the substitution pattern disclosed in the claim.

Application/Control Number: 10/526,656

Art Unit: 1713

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Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The

examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be

reached at (571)272-1114. The fax phone number for the organization where this application or

proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov>. Should you have questions on the access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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August 28, 2006

TRVISORY PATENT EXAMINER **IECHNOLOGY CENTER 1700**